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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 OHAN MANOUKIAN, an Individual;
and NORA MANOUKIAN, an
9 Individual,

10 Plaintiffs,

vs.

11 VITO A. LONGO, an Individual;
EQUIPMENT MANAGEMENT
12 TECHNOLOGY, a Nevada
Corporation; VERDE ACRES, LLC, a
13 Nevada Limited Liability Company;
DOE DEFENDANTS 1 through 10; and
14 ROE ENTITIES 1 through 10,

15 Defendants.

CASE NO.: 2:09-CV-01334-PMP-PAL

16
17 **DEFAULT JUDGMENT**
18 **(AGAINST VITO A. LONGO)**

19 On March 28, 2011, the Court held a hearing on Plaintiff's Motion to Strike Defendants'
20 Answer and for Other Sanctions (filed Dec. 15, 2010) [Doc. 51] ("Motion to Strike"). Present at
21 the hearing was R. Duane Frizell, Esq., of the law firm Callister & Frizell, attorneys for
22 Plaintiffs. No other party or attorney was present. In its Order Granting Motion to Withdraw as
23 Counsel (filed Feb. 25, 2011) [Doc. 76], the Court rescheduled the original hearing on the
24 Motion to Strike for the hearing date identified above, and it expressly ordered Defendant Vito
25 A. Longo ("Longo") to appear personally at the hearing or with new counsel of record to argue
26 this motion. Despite this express order, neither Longo nor his attorney appeared at the hearing.
27 Since the filing of the Court's Order, no attorney has made an appearance for Longo.
28

1 The Court would also note that since the filing of the Motion to Strike, judgment has
 2 been rendered against Defendant Verde Acres, LLC. (Stipulated Partial Judgment (Against
 3 Verde Acres, LLC) (filed Feb. 1, 2011) [Doc. 68]). In addition, since that time, Defendant
 4 Equipment Management Technology has filed for bankruptcy. (Suggestion of Bankruptcy (filed
 5 Feb. 10, 2011) [Doc. 70]). The Court therefore considers the Motion to Strike with respect only
 6 to Longo's answer.

7 Having reviewed the Motion to Strike, including the original motion, the supplement, the
 8 opposition, the reply, and all other related pleadings, as well as all of the other pleadings and
 9 papers on file in this cause, and having considered the arguments of counsel at the hearing, the
 10 Court finds good, just, and sufficient cause for granting the Motion to Strike as against Longo
 11 only.
 12

13 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

- 14 1. Plaintiff's Motion to Strike Defendants' Answer and for Other Sanctions (filed
 15 Dec. 15, 2010) [Doc. 51] is hereby GRANTED as against Defendant Vito A.
 16 Longo only.
- 17 2. Defendant Vito A. Longo's answer on file in this cause is hereby STRICKEN.
- 18 3. Default for Plaintiffs Ohan Manoukian and Nora Manoukian and against
 19 Defendant Vito A. Longo is hereby ENTERED.
- 20 4. In this Default Judgment, Plaintiffs Ohan Manoukian and Nora Manoukian shall
 21 have and recover from Defendant Vito A. Longo under all of the claims stated in
 22 their complaint, including without limitation their claims for fraud,
 23 conversion/trespass to chattels, breach of contract/default of promissory note,
 24 constructive trust, breach of fiduciary duty, and civil conspiracy.
- 25 5. Judgment is hereby rendered for Plaintiffs Ohan Manoukian and Nora Manoukian
 26 and against Defendant Vito A. Longo in the following amounts:
 27
 28

- 1 a. Promissory Note. Plaintiffs Ohan Manoukian and Nora Manoukian shall
 2 have and recover against Defendant Vito A. Longo the following amounts
 3 pertaining to the Promissory Note:

4 Outstanding Principal: \$425,000.00

5 Outstanding Interest: \$134,466.87

6 **Subtotal: \$559,466.87**

- 7 b. Profit Sharing Agreement. Plaintiffs Ohan Manoukian and Nora
 8 Manoukian shall further have and recover against Defendant Vito A.
 9 Longo the following amounts pertaining to the Profit Sharing Agreement:

10 Amount Owning: \$250,000.00

11 **Subtotal: \$250,000.00**

- 12 c. Attorney Fees. Plaintiffs Ohan Manoukian and Nora Manoukian shall
 13 further have and recover against Defendant Vito A. Longo the following
 14 attorney fees, which the Court finds to be reasonable and necessary with
 15 respect to the prosecution of their claims against Defendant Vito A. Longo
 16 in this case:

17 Uncompensated attorney fees
 18 incurred by Plaintiffs: \$54,279.45

19 **Subtotal: \$54,279.45**

- 20 d. Court Costs. Plaintiffs Ohan Manoukian and Nora Manoukian shall
 21 further have and recover against Defendant Vito A. Longo the following
 22 court costs, which the Court finds to be reasonable and necessary with
 23 respect to the prosecution of their claims against Defendant Vito A. Longo
 24 in this case:

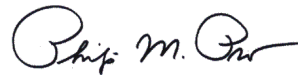
Uncompensated court costs
incurred by Plaintiffs:

\$3,689.97

Subtotal: \$3,689.97

6. Pre-judgment and post-judgment interest shall accrue on the amounts in Paragraph 5 above (including all of its subparts) as allowed by law.
7. Plaintiffs Ohan Manoukian and Nora Manoukian, and each of them, are jointly entitled to the amounts in Paragraph 5 above (including all of its subparts) as well as to any and all pre-judgment and post-judgment interest thereon.
8. Pursuant to FRCP 54(b), the Court hereby expressly determines there is no just reason for delay and that this Default Judgment is a final judgment as to these Parties, adjudicating all claims and all issues between Plaintiffs Ohan Manoukian and Nora Manoukian (on the one hand) and Defendant Vito A. Longo (on the other). In this regard, the Court hereby certifies this Default Judgment (as Against Vito A. Longo) as a final judgment.
9. Any and all relief not specifically granted in this Default Judgment with respect to the claims and issues involving Plaintiffs Ohan Manoukian and Nora Manoukian and Defendant Vito A. Longo is hereby DENIED.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

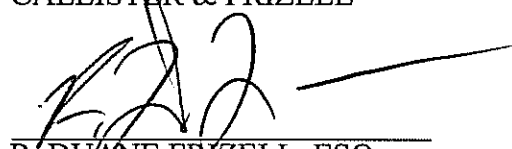
DATED: April 4, 2011.

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Submitted by:

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By:



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